

S.B. Criminal Misc. II Bail Application No.5667/2006

Date : 02.01.2007

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. S.S. Rathore for the applicant.

Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The submission of learned counsel for the applicant is that in this case charge-sheet has been filed and statements of witnesses recorded under Section 161 Cr.P.C. would go to show that even the real brother of the deceased has denied the allegation of cruel behaviour against the deceased by the accused applicant. His next submission is that some of the witnesses stated that the applicant was not potent, therefore, the deceased committed suicide. He further submits that some of the witnesses have not stated the correct aspect of the matter as they stated that they saw injury marks on the body

of the deceased whereas the post-mortem report reveals that not a single scratch was found on the body of the deceased. His further submission is that allegations of cruelty are absolutely false and whatsoever allegation, if taken into consideration, they are are not against the accused applicant.

On the other hand, learned Public Prosecutor submitted that the statement of Smt Jethu Bai shows that the mother-in-law of the deceased was asking the deceased many times regarding dowry, therefore, it is not a case where the accused applicant should be granted bail.

I have considered the submissions made before me.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case, I deem it just and proper to enlarge the accused applicant on bail during the pendency of trial in view of the statements of the near relatives of the deceased.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that applicant Pappu Singh alias Surajpal Singh s/o Prem Singh shall be released on bail in FIR No.97/2006 P.S. Dechu, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

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